

Appl. No. 09/511,795  
Amdt. Dated June 17, 2004  
Reply to Office action mailed March 17, 2004

**REMARKS/ARGUMENTS**

The Applicant notes claims 1-24 are pending. The Examiner has rejected claims 1, 2, 4-9, 11-16, 18-20 and 24 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,982,748 to Yin (hereinafter "Yin") in view of US Patent No. 6,515,964 to Cheung (hereinafter "Cheung"). In addition, the Examiner has rejected claims 3, 10 and 17 under 35 USC § 103(a) as being unpatentable over Yin and Cheung in further view of US Patent No. 5,550,816 to Hardwick (hereinafter "Hardwick"). The Applicant notes claims 21-23 presently stand objected to as being dependent on a rejected base claim, but Examiner finds they would be allowable if rewritten in independent form.

**Rejections under 35 USC § 103(a)**

The present application discloses embodiments by example in Fig. 13 and from page 29, line 15 to page 30, line 28, of the present application. The disclosed embodiments of the multi-service network switch and methods having at least two sets of access tiers: a first set of access tiers provided initial and sustained system resource access independent of the state of usage of system resources and a second set of access tiers provided initial and sustained resource access dependent upon their associated access thresholds and the state of system resource usage. The Applicant has amended base claims 1, 8, 14 and 24, and dependent claims 2, 9, 15, 16 to claim these disclosed embodiments with particularity and in doing so, respectfully submits that the invention as presently claimed in neither disclosed or suggest by the cited art. With the amendments to independent claims 1, 8, 14, and 24, the Applicant respectfully requests the Examiner withdraw his rejections under 35 USC § 103(a) as to these claims. Since claims 2-7, 9-13, 15-23, further clarify or limit their respective independent claims, the Applicant respectfully requests the Examiner likewise withdraw his rejections under 35 USC § 103(a) as to these claims.

The Applicant respectfully submits that this amendment finds full support in the specification with no new matter being added. In addition, claims 7, 13, 21, 22, and 23 have been amended

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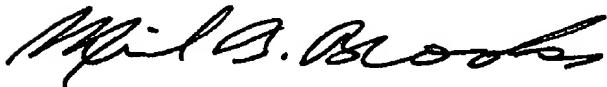
in order to consistently claim access tier in place of access level. Claim 3 and 10 have been amended to clarify current usage monitoring. Accordingly, the Applicant respectfully asserts the present application, including claims 1-24 as currently amended, is in a condition for allowance.

In view of the above amendments and remarks, consideration and favorable action on claims 1-24 are respectfully requested. Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should any question remain in view of his communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

No new claims have been added by this amended, so the Request for Continued Examination fee of \$770 is required. Authorization is hereby given to charge this fee any additional fees, and credit any overcharges pertaining to the prosecution of this matter to Deposit Account No. 02-3979.

Respectfully submitted,



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